#10
W. Lawson
9/4/02
1082

In re reissue application of

Michael G. West

Application No. 09/660,435

Filed: September 8, 2001

RECEIVED

JUL 1 9 2002

Technology Center 2600

Group Art Unit: 2611

For: **METHOD AND APPARATUS FOR**
      AUTOMATIC PIXEL CLOCK PHASE
      AND FREQUENCY CORRECTION
      IN ANALOG TO DIGITAL VIDEO
      SIGNAL CONVERSION

Examiner: Christopher C. Grant

<u>37 C.F.R. § 1.131 DECLARATION OF MICHAEL G. WEST</u>

TO THE COMMISSIONER FOR PATENTS:

I, Michael G. West, declare as follows:

1. I am the inventor named in the above-identified patent application, which is a reissue of U.S. Patent No. 5,805,233 ('233 patent). I submit this declaration to establish conception in the United States of the inventions claimed in this patent application before October 4, 1995, the effective date of U.S. Patent No. 5,657,089 of Onagawa, cited by the Examiner in his January 15, 2002 Office action.

2. To establish that the date of conception of the inventions claimed in this application precedes October 4, 1995, I attach Exhibits A and B as evidence. In Focus Systems, Inc. to which references are made in Exhibits A and B, is a predecessor company to the assignee of this patent application. I was employed by In Focus Systems, Inc. to work on the project described in Exhibits A and B.

3. Exhibit A is a 68-page final draft of the Merlin Digital Display Controller Architecture Specification (Merlin Specification), which bears a July 18, 1995 release date. Thus, the date of conception in the United States

of the inventions claimed in this patent application is well before July 18, 1995, which is, of course, before October 4, 1995. "Merlin" is the internal name given by In Focus Systems, Inc. to identify its development project for a then state-of-the-art digital display control system. The Introduction of the Merlin Specification (Ex. A, page 5 of 68) summarizes the objectives and architectural features of the Merlin system.

4. Section 2, Architecture Overview of the Merlin Specification (Ex. A, page 7 of 68), presents as Fig. 2-1 a top level architectural block diagram of the Merlin system, in which the present invention is implemented.

5. Section 3, Merlin Input Data Path (MID) of the Merlin Specification (Ex. A, page 16 of 68) summarizes in paragraph 3.3 (Ex. A, page 18 of 68) the image position detect block and in paragraph 3.4 (Ex. A, page 18 of 68) the black and white level detect module, both of which are shown in Fig. 3-1 (Ex. A, page 16 of 38). The image position detect block detects the left, right, top, and bottom edges of the image; and the black and white level detect module determines the maximum and minimum values digitized by the analog front end of the system.

6. Paragraph 3.8 describes with reference to Fig. 3-4 (Ex. A, page 20 of 68) an image capture controller, which frames the area in pixel space containing active pixel data. Paragraphs 3.8.1 through 3.8.3 (Ex. A, page 21 of 68) describe sources of signals and signals produced to achieve image capture control. Paragraph 3.8.4 (Ex. A, pages 22-24 of 68) summarizes the three image capture control techniques, one of which is Width Detection AutoPhase.

7. Paragraph 3.8.4.2 (Ex. A, pages 22 and 23 of 68) describes the Width Detection AutoPhase technique, which is a subject of the claimed invention. The pseudo-code algorithm for Width Detection AutoPhase appears on page 23 of 68. (The reference to frame compare autophase in the last full sentence of page 22 of 68 is a typographical error; it should refer to Width Detection AutoPhase algorithm.) The first full sentence on page 23 of 68 refers to auto-tracking as "a relatively simple extension [of auto-phase]

and is left to the reader." Auto-tracking refers to adjusting the clock frequency, which is accomplished before the clock phase adjustment. The Merlin system accomplishes auto-tracking and auto-phase using the same signal set. The pseudo-code algorithm for the auto-phase portion corresponds to the description set out at column 9, lines 38-55 of the '233 patent.

8.   Exhibit B is a receiving transaction record showing September 5, 1995 as the date of receipt by In Focus Systems, Inc. of the Merlin ASIC, which is the electronic circuitry that implements the auto-tracking and auto-phase functions of the display control system. With reference again to Exhibit A, the first paragraph of the Introduction (Ex. A, page 5 of 68) briefly describes and Fig. 2-1 (Ex. A, page 7 of 68) shows a simplified block diagram of the Merlin ASIC.

9.   Alan L. Lasneski, Principal Engineer, Software Development, of InFocus Corporation, wrote portions of the software code used to control the Merlin ASIC and tested the Merlin ASIC to verify its operation.

10.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 2, 2002

Michael G. West